

CONFIDENTIAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

Administration Of The
North American Numbering Plan

)
) CC Docket No. 92-237
) Phases One And Two
)

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REPLY COMMENTS

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

NYNEX Corporation, on behalf of New England Telephone And Telegraph Company, New York Telephone Company and NYNEX Mobile Communications Company ("NYNEX"), by its attorneys, submits its Reply to the comments filed in response to the Commission's Notice Of Proposed Rulemaking ("Notice") released April 4, 1994, in the above-captioned proceeding.

I. INTRODUCTION AND SUMMARY OF POSITION

Approximately fifty parties representing a cross-section of the industry filed comments in response to the Notice. These comments reflect the need to have North American Numbering Plan ("NANP") administration undertaken pursuant to guidance from an industry-representative Oversight Committee placed within the Alliance For Telecommunications Industry Solutions ("ATIS") organizational structure. In this Reply, we show that the concern, expressed by some parties, that ATIS will be dominated by the large LECs, is not well-founded. NYNEX also addresses Ad Hoc's proposal that the Commission should preempt

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the policies and local interests of state commissions by promulgating a uniform one plus ten-digit dialing plan for toll calls. The Ad Hoc proposal suffers from significant defects and should not be adopted.

II. ATIS SHOULD PLAY A SIGNIFICANT ROLE
RELATIVE TO NANP ADMINISTRATION

NYNEX showed in initial Comments (pp. 5-8) that an Oversight Committee should assume the functions of policy-making and dispute resolution; that in order to perform these functions, the Oversight Committee should have access to the technical resources, expertise and procedures of ATIS; and that the Oversight Committee should be placed within the ATIS organizational structure. Almost all parties commenting in this area support addressing and resolving numbering issues under the umbrella of ATIS.¹ Those who oppose the role proposed for ATIS² merely speculate, without basis, that despite the broadening of ATIS to include membership by all industry segments, LECs will somehow exercise undue influence over the organization in the future. These parties have failed to show that ATIS will not be able to operate effectively and fairly in representing all industry participants, and have failed to provide any viable and superior alternative.

These parties also misperceive the actual role ATIS would play under the NYNEX proposal. The Oversight Committee

1 See, e.g., Ameritech, ATIS, AT&T, Bell Atlantic, CTIA, GTE, MCI, OPASTCO, Pacific Tel., Southwestern Bell, U S WEST.

2 See MFS, Teleport.

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would function independently using ATIS' procedural rules and regulations to ensure due process and to promote consensus among the voting members. ATIS would not, however, be able to veto any decisions of the Oversight Committee on the basis of any ATIS disagreement with the substance of the Oversight Committee's numbering work.

III. THE OPERATION OF THE OVERSIGHT COMMITTEE
SHOULD BE CLARIFIED IN SEVERAL RESPECTS

In our initial Comments (pp. 7-8), we also proposed that a facilitation process be established to help resolve issues on which industry consensus is not reached at the Oversight Committee. When an issue is presented to the Oversight Committee, a time period would be established for resolution of that issue. NYNEX recommends that the length of such time period should be set in accordance with the complexity of the issue, i.e. a shorter period for less complex issues and a longer period for more complex issues. Furthermore, a mediator may be more effective than a pure facilitator inasmuch as the mediator is a disinterested third party, having no stake in the issue, who can be firm and assertive in keeping the resolution process on track.³

In this connection, we agree with BellSouth (p. 7) that "the Commission should continue to provide general oversight over numbering issues and function as the final arbiter on numbering matters." In this regard, the industry

³ The mediator would be able to recommend a particular resolution of an issue, but not render a binding decision.

will benefit from "clear policy direction" from the Commission.⁴

Finally, in order to carry out its work and meet its goals without becoming unwieldy, the Oversight Committee membership should be representative of the industry. NYNEX has suggested (pp. 6-7) that the Oversight Committee consist of entities with a substantial interest in numbering resources and that the interests of other entities be represented through the participation of major industry associations. To similar effect, Bell Atlantic states that (p. 4):

the policy board should consist of a manageable number [of] individuals who represent a cross-section of the telecommunications industry (including regulators and users of telecommunications services) and would act as a buffer between the new administrator and the Commission.⁵

IV. THE COMMISSION SHOULD NOT MANDATE A UNIFORM DIALING PLAN COVERING INTRASTATE AND INTERSTATE TOLL CALLS

In its comments, Ad Hoc argues that the Commission must preempt state regulatory authorities by imposing a uniform dialing plan. Under the Ad Hoc plan, one plus ten-digit dialing would be used for all toll calls (even those in the home NPA); and the digit one would never be dialed first for local calls.⁶

⁴ See MCI ii.

⁵ See also GTE 12 ("Ultimately, this [Oversight] committee may function more effectively if composed of a representative group of NANP participants.")

⁶ The Ad Hoc proposal would represent a significant change in numbering plans. In order to vastly increase the supply of Numbering Plan Area ("NPA") codes, commencing in 1995 NPAs will be able to be used that are interchangeable

The Ad Hoc proposal is without merit and should be rejected by the Commission.

There are five basic reasons which underscore the weakness of the Ad Hoc plan. First, as Ad Hoc concedes (pp. 10-11), its proposal would require that no central office codes be in use or be assigned that are identical to the home NPA or neighboring NPAs.⁷ With interchangeable NPAs, when a new NPA is assigned, it is possible that an identical NXX will be in service in that NPA or a nearby NPA. Under Ad Hoc's proposal, either that NPA could not be assigned, or customers served by such identical NXXs would have to undergo a telephone number change. This would result in inefficient use of NANP resources, customer inconvenience and cost burdens.

Second, Ad Hoc's proposal would result in customer confusion. Customers making a call within their home NPA, or making a call to a nearby NPA, would need to know whether they

⁶ (Footnote Continued From Previous Page)

with central office codes ("NXXs"). Previously, the supply of NPAs has been limited since the middle digit had to be 0 or 1. With interchangeable NPAs, inter-NPA calls will generally be dialed on a one plus ten-digit basis. Hence, it will no longer be possible for intra-NPA ("home NPA") calls to be dialed on a one plus seven-digit basis (as a toll call indicator), because switches would not be able to distinguish whether an NPA or NXX follows the digit one. In view of this scenario, the current NANP Administrator ("NANPA") has given local exchange carriers, subject to regulatory approval, the flexibility to adopt one or both of the following dialing patterns for home NPA toll calls: 1) seven-digit dialing, i.e. NXX-XXXX, and/or 2) one plus ten-digit dialing, i.e., 1-NPA-NXX-XXXX.

⁷ For example, in Manhattan (212 NPA), the central office codes 516, 718, 914 and 917 (which represent NPAs in the regional local calling area) could not be used.

were making a local or toll call in order to select the correct dialing format. If an incorrect choice were made, the call would be routed to intercept and the dialing party would be informed that the call could not be completed as dialed. This would result in additional delay and strain on the network.

Third, Ad Hoc's proposal would necessitate significant expenditures to educate the public about the dialing changes. Moreover, contrary to Ad Hoc's contention that its plan would facilitate the ability of private entities such as PBX users to program toll restrictions, significant and unnecessary disruption would occur. Interchangeable NPAs are due to be implemented January 1, 1995, only six months from now. To be ready for this change, the industry has already taken actions to prepare for implementation, including modifications to pay telephone equipment and CPE, not to mention LEC switches. Under Ad Hoc's proposal, such preparatory steps would need to be undone to conform to its recommended dialing plan change.⁸ In any case, changing the dialing plan for millions of customers in an attempt to lower expenses of a limited set of private entities, would be unfair and inappropriate.

⁸ As NATA, a large user group, observes (pp. 9-10), given the impending change to interchangeable NPAs: "some of the perceived benefits of such a plan [as Ad Hoc proposes] may not be realizable at this time. For example, since the new dialing plans will all be in effect by January 1, 1995, it does not appear that any FCC decision in this proceeding would prevent business users from having to adapt their equipment to the new dialing plans.... [T]he CPE industry has already taken steps to adjust to the recently adopted plans. The existing plans do not appear to pose any insuperable problems for the CPE industry."

Fourth, the Ad Hoc recommendation would require costly technical changes by LECs. All switches would need to be modified or reprogrammed to recognize the altered dialing pattern, and the dialing of an increased number of digits would reduce switch capacity.

Fifth, and most importantly, the Ad Hoc proposal would intrude upon an area which has traditionally been of local interest, i.e. local dialing plans. As the Commission notes, "dialing arrangement decisions [are] traditionally made by state regulatory authorities."⁹ Indeed, reflecting the policies and views of the respective state regulatory authorities, there is reasonable variation in the dialing plans among the seven states in which NYNEX provides local telephone service.¹⁰ The Commission should weigh heavily the states' interests in this area, and not mandate the costly and disruptive plan put forward by Ad Hoc.

⁹ Notice at ¶43.

¹⁰ One plus ten-digit dialing for home NPA toll calls applies in Connecticut, Maine, Massachusetts, New York, Rhode Island and Vermont. In New Hampshire and New York, home NPA toll calls may be dialed on either a seven-digit or one plus ten-digit basis.

V. CONCLUSION

NYNEX's Comments provide the Commission with a framework that would ensure that the North American Numbering Plan is administered effectively, efficiently and fairly for many years to come. For the reasons set forth in our Comments and Reply, we urge the Commission to adopt that framework.

Respectfully submitted,

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Dated: June 30, 1994

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing REPLY COMMENTS of NYNEX Corporation in CC Docket No. 92-237 was served on each of the parties listed on the attached Service List by first class U.S. mail, postage prepaid, this 30th day of June, 1994.



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